

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

TERESA FRANCO	§
Plaintiff(s)	§
	§
v.	§ Cause No. EP07CA0074KC
	§
NATIONAL ASSET RECOVERY	§
SERVICES, INC.,	§
and JOHN and/or JANE DOES 1-10	§
Defendant(s)	§

STIPULATION OF DISMISSAL

COMES NOW the Plaintiffs **TERESA FRANCO**, individuals, and pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and hereby dismisses, with prejudice, the above entitled action as it pertains to **NATIONAL ASSET RECOVERY SERVICES, INC. and JOHN and/or JANE DOES 1-10**. Said dismissal is filed with prejudice.

Respectfully submitted,

/s/ SCOTT A. VOGELMEIER
SCOTT A. VOGELMEIER
Attorney for Plaintiffs
State Bar No. 24015139
303 Texas Avenue, Suite 502
El Paso, Texas 79901
915/544-3100
FAX 915/577-0160

LAW OFFICE OF

**SCOTT A.
VOGELMEIER**
303 Texas Ave.
Suite 502
El Paso, TX 79901
(915) 544-3100
Fax: (915) 577-0160

/s/ KEITH WIER

Keith Wier
Attorney for Defendant
State Bar No.: 21436100
5718 Westheimer, Suite 1755
Houston, Texas 77058
713-335-0141
713-335-0150 Fax

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2006, I electronically filed the foregoing with the Clerk of Court using CM/ECF system which will send notification of such filing to the following:

Keith Wier
5718 Westheimer, Suite 1755
Houston, Texas 77058
713-335-0141
713-335-0150 Fax

/s/ SCOTT A. VOGELMEIER
SCOTT A. VOGELMEIER

LAW OFFICE OF

**SCOTT A.
VOGELMEIER**

303 Texas Ave.
Suite 502
El Paso, TX 79901
(915) 544-3100
Fax: (915) 577-0160

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FINAL JUDGMENT

On this day, the Court considered Plaintiff's Stipulation of Dismissal ("Notice").

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), "an action may be dismissed by the Plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or motion for summary judgment, whichever first occurs...." FED.R.CIV.P.41(a)(1)(i) (2005). Having reviewed the record, and noting that no defendant has served an answer or motion for summary judgment, the Court hereby **APPROVES** the Notice (Doc.No.____). Because Plaintiff specifically requested dismissal with prejudice, the Court hereby orders the above-captioned cause be **DISMISSED** with prejudice. *See* FED.R.CIV.P. 41(a)(1) ("Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice...")

The clerk shall close the case.

SO ORDERED.

SIGNED on this _____ day of _____, 200__.

**KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE**